

machine, the microwave oven has a rear oven door 65 to admit portions of food for heating and a bottom door 49 to transfer heated food items into receiving hopper 60. The oven in Rubino's machine is fixed in position, the transfer of food items being accomplished by the rear and bottom doors as just described.

In contrast to Rubino's machine, the present invention employs a conventional microwave oven with a single door. In order to transfer food items into and out of the oven, the oven is rotatably journaled about a horizontal axis so that it can be rotated from a food receiving position in which the door opens upwardly, a food cooking position wherein the oven is essentially horizontal and a food discharging position in which the door opens downwardly. No such structure is disclosed or suggested by Rubino.

The Examiner has cited White as teaching the pivotal mounting of an oven and asserts that it would have been obvious to pivotally mount Rubino's oven as taught by White. However, the oven of White's device has no door. Instead, there is simply an opening through which food items are admitted onto a grill and through which they are thereafter dispensed. Applicant submits that the suggested modification of Rubino's machine would not have been obvious to a person of ordinary skill in the art since the dual door arrangement of Rubino's oven obviates the need for such a modification. Moreover, the apparatus necessary to open and close a single oven door as the oven is rotated between its various positions in Applicant's machine is relatively more complex than the dual door arrangement of Rubino's machine. Accordingly, there is no motivation to modify Rubino's machine to employ a single door oven with a nutating mechanism as taught by White. Applicant therefore submits that claim 1, as herein amended, recites patentable subject matter over the prior art of record and requests that the rejection under 35

U.S.C. § 102(b) be withdrawn. Furthermore, claims 7-11, 16, 17, 19 and 20, all of which depend from claim 1 are also believed to be in condition for allowance.

New claim 21 is similar in scope to amended claim 1 with respect to the features of Applicant's invention that distinguish it from the cited prior art. For the reasons discussed in connection with claim 1, Applicant believes that new claim 21 is also allowable over the prior art.

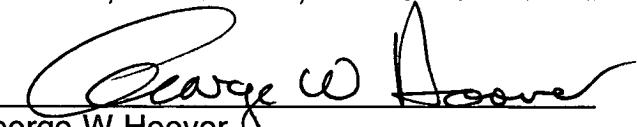
A substitute inventor's Declaration is submitted herewith as required by the Examiner.

Based on all of the foregoing, Applicant believes that all claims now pending are in condition for allowance and notice to such effect is respectfully requested at the earliest possible date.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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George W Hoover
Reg. No. 32,992

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on: April 24, 1996


D.L. Mendrygal

April 24, 1996
Date